

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MARSHALL A. McNICKLES

PETITIONER

**VS.
ED HARGETT and STATE OF
MISSISSIPPI**

CIVIL ACTION NO. 4:08cv85 TSL-LRA

RESPONDENTS

ORDER

This cause came on this date to be heard upon the report and recommendation of United States Magistrate Judge Linda R. Anderson and the court, having fully reviewed the report and recommendation entered in this cause on August 3, 2011, and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge Linda R. Anderson entered on August 3, 2011, be, and the same is hereby adopted as the finding of this court, and the petition for writ of habeas corpus is hereby dismissed with prejudice.

A separate judgment will be entered herein in accordance with this order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 25th day of August, 2011.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE